

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS FRANKLIN TANNER,

Defendant.

CR 10-33-GF-DLC

ORDER

**FILE**

OCT 23 2013

Clerk, U.S District Court  
District Of Montana  
Missoula

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on September 25, 2013. Defendant admitted he had violated the conditions of his supervised release by possessing methamphetamine and committing a state crime. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of

imprisonment of 12 months and one day, to be followed by 48 months of supervised release.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9<sup>th</sup> Cir. 1981).

This Court agrees with Judge Strong's findings. Defendant admitted that he violated the conditions of his supervised release by possessing a controlled substance. The United States Sentencing Guidelines call for a term of imprisonment of 12 to 18 months. A sentence of 12 months and one day custody followed by 48 months of supervised release is appropriate because Defendant violated his conditions of supervised release by possessing a controlled substance. By statute his supervised release must be revoked. 18 U.S.C. § 3583(g)(1). A custodial term at the low end of the guidelines is appropriate given that Tanner has already served a one year sentence on state charges arising out of the same conduct. The additional day will allow Tanner to qualify for "good time" credit, which may result in a substantially reduced term of incarceration. A lengthy term of supervised release is necessary to help Defendant comply with the law, and to protect the public.

IT IS ORDERED that Judge Strong's Findings and Recommendations

(Doc. 14) are ADOPTED IN FULL and Judgment shall be entered accordingly.

Dated this 23<sup>rd</sup> day of October, 2013.



Dana L. Christensen  
Dana L. Christensen, Chief Judge  
United States District Court